

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CENTILLION DATA SYSTEMS, LLC,	)	
a Delaware corporation,	)	
	)	
Plaintiff,	)	
	)	C. A. No. 05-712-JJF
v.	)	
	)	JURY TRIAL DEMANDED
AVOLENT, INC.,	)	
a Delaware corporation,	)	
	)	
Defendant.	)	

**ANSWER OF DEFENDANT AVOLENT, INC.**

Defendant Avolent, Inc. ("Avolent") answers the complaint in this matter, paragraph by paragraph, as follows:

1. Avolent admits the allegations of paragraph 1.
2. Avolent admits that it is a Delaware corporation but otherwise denies the allegations of paragraph 2.
3. Avolent admits that, for the purposes of this litigation, it is subject to the jurisdiction in this district, but otherwise denies the allegations of paragraph 3.
4. Avolent lacks sufficient knowledge to admit or deny the allegations of paragraph 4, and on that basis, denies the allegations of that paragraph.
5. Avolent admits the allegations of paragraph 5.
6. Avolent denies the allegations of paragraph 6.
7. Avolent denies the allegations of paragraph 7.
8. Avolent admits that the United States Patent and Trademark Office issued U.S. Patent No. 5,287,270, entitled "Billing System," on February 15, 1994 and that a copy of that patent is attached to the complaint as Exhibit A. Avolent lacks sufficient

knowledge to admit or deny the remaining allegations of paragraph 8 and, on that basis, denies the allegations.

9. Avolent denies the allegations of paragraph 9.

10. Avolent lacks sufficient knowledge to admit or deny the allegations of paragraph 10, and on that basis, denies the allegations of that paragraph.

11. Avolent denies the allegations of paragraph 11.

12. Avolent denies the allegations of paragraph 12.

13. Avolent denies the allegations of paragraph 13.

### **DEFENSES**

**First Defense:** The claims of the '270 patent are invalid as describing purported inventions that fail to meet the requirements for patentability set forth in 35 U.S.C. §102 and 103.

**Second Defense:** The claims of the '270 patent are invalid for failing to comply with the requirements of 35 U.S.C. §112.

**Third Defense:** The claims of the '270 patent are invalid as not directed to subject matter protectable by a patent under 35 U.S.C. § 101.

**Fourth Defense:** The '270 patent is unenforceable.

**Fifth Defense:** Plaintiff's claim for pre-filing damages is barred by the equitable doctrine of laches.

**Sixth Defense:** Plaintiff's claim is barred by the doctrines of equitable estoppel and/or waiver.

**PRAYER FOR RELIEF**

**WHEREFORE**, Avolent seeks entry of a judgment as follows:

- A. that plaintiff take nothing by this action;
- B. that the '270 patent be found to be invalid;
- C. that Avolent is not infringing, contributing to infringement of, or inducing infringement of the '270 patent;
- D. that this case be declared extraordinary and Avolent therefore awarded its attorneys fees incurred in the defense of this action; and
- E. that Avolent be awarded its costs of suit.

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Dated: May 15, 2006  
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CERTIFICATE OF SERVICE

I, Richard L. Horwitz, hereby certify that on May 15, 2006, the attached document was hand-delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF:

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